

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CITY OF HUNTINGTON

Plaintiff,

v.

**AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.**

Civil Action No. 3:17-cv-01362

CABELL COUNTY COMMISSION,

Plaintiff,

v.

**AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.**

Consolidated Case:

Civil Action No. 3:17-cv-01665

**PLAINTIFFS' AMENDED CROSS-NOTICE OF REMOTE DEPOSITION
AND NON-RETAINED EXPERT WITNESS DISCLOSURE OF
DR. RAHUL GUPTA**

TO: All Defendants Severed by MDL Order Dkt. 2990

PLEASE TAKE NOTICE that pursuant to the applicable Federal Rules of Civil Procedure, the Cabell County Commission and the City of Huntington ("Plaintiffs"), by and through their undersigned counsel, will take the remote oral deposition of Rahul Gupta, M.D. This notice is directed at all Defendants Severed by MDL Order Dkt. 2990 (all Defendants other than ABDC, Cardinal Health, and McKesson).

The deposition of Rahul Gupta, M.D., will now take place remotely, upon oral examination and/or by videotape, before an official reporter authorized by law to take depositions, on **September 17, 2021 at 9:00 a.m. (ET) via Remote Technology (Zoom) and, if necessary, continuing on September 18, 2021, at 9:00 a.m. (ET).**

PLEASE TAKE FURTHER NOTICE that Plaintiffs reserve the right to conduct this deposition utilizing **video conferencing/teleconferencing** services. Plaintiff will provide, via Zoom, remote access for all parties wishing to participate via video conference or telephone. Also note that the court reporter and videographer will be appearing via **video conferencing/teleconferencing** and will not be in the presence of the deponent. A stipulation will be made on the stenographic record by all parties that the witness is to be sworn in remotely by the reporter. You are invited to attend and participate in this deposition.

PLEASE TAKE FURTHER NOTICE that pursuant to Federal Rule of Civil Procedure 26(a)(2)(C) Plaintiffs intend to utilize Dr. Gupta as both a fact and non-retained expert witness at the trial of the above captioned Civil Actions. While no Scheduling Order has been entered in these cases requiring the disclosure of expert witnesses, Plaintiffs expect Dr. Gupta's testimony to be consistent with his prior disclosure, his report dated August 25, 2021 (*see* attached Exhibit A), his prior deposition testimony in CT2, and his trial testimony in CT2 (*see* Doc 1483).

Plaintiffs reserve the right to supplement or add to Dr. Gupta's disclosure and/or his opinions.

Dated: September 3, 2021

Respectfully submitted,

THE CITY OF HUNTINGTON

CABELL COUNTY COMMISSION

/s/ Anne McGinness Kearse

Anne McGinness Kearse (WVSB No. 12547)

Joseph F. Rice

MOTLEY RICE LLC

28 Bridgeside Blvd.

Mount Pleasant, SC 29464

Tel: 843-216-9000

Fax: 843-216-9450

akearse@motleyrice.com

jrice@motleyrice.com

/s/ Paul T. Farrell, Jr.

Paul T. Farrell, Jr. (WVSB Bar No. 7443)

FARRELL & FULLER LLC

1311 Ponce de Leon Ave., Suite 202

San Juan, Puerto Rico 00907

Mobile: 304-654-8281

paul@farrellfuller.com

Linda Singer
David I. Ackerman
MOTLEY RICE LLC
401 9th Street NW, Suite 1001
Washington, DC 20004
Tel: 202-232-5504
Fax: 202-386-9622
lsinger@motleyrice.com
dackerman@motleyrice.com

/s/ Anthony J. Majestro
Anthony J. Majestro (WVSB No. 5165)
POWELL & MAJESTRO, PLLC
405 Capitol Street, Suite P-1200
Charleston, WV 25301
304-346-2889 / 304-346-2895 (f)
amajestro@powellmajestro.com

Charles R. "Rusty" Webb (WVSB No. 4782)
The Webb Law Centre, PLLC
716 Lee Street, East
Charleston, West Virginia 25301
Telephone: (304) 344-9322
Facsimile: (304) 344-1157
rusty@rustywebb.com

Michael A. Woelfel (WVSB No. 4106)
WOELFEL AND WOELFEL, LLP
801 Eighth Street
Huntington, West Virginia 25701
Tel. 304.522.6249
Fax. 304.522.9282
mikewoelfel3@gmail.com

CERTIFICATE OF SERVICE

I certify that on September 3, 2021, a copy of the foregoing was filed electronically.
Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Anthony J. Majestro
Anthony J. Majestro (WVSB 5165)